S.B. CR.MISC.BAIL APPL.NO.7000/2007.

Dayal Singh Vs. State

Date of order : 1/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Biri Singh for the petitioner.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he was attesting witnesses to a sale-deed which was executed by Harnam Singh in favour of Ramjan and the petitioner was not beneficiary of the transaction. Since the arrest of the petitioner in August, 2007, he is behind the bars. The investigation is almost complete and the trial of the case will take long. The detention of the petitioner is no longer required for the purpose of investigation.

In support of his aforesaid arguments, learned counsel for the petitioner has placed reliance on the judgment of this Court in **Mohan Lal Sharma Vs. State of Rajasthan : 2005(2) RCC 957** wherein, benefit of bail under Section 438 Cr.P.C. was extended to the petitioner in the abovesaid case who was also merely an attesting witness in a similar case.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioner, he is not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Dayal Singh S/o Sher Singh shall be released on bail in F.I.R. No.213/2007 P.S. Tapukada, District Alwar for offences under Sections 420, 467, 468, 471, 120B, 217 and 218 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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